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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,114	11/06/2000	Bruce A. Fairman	SONY-14500	9111

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HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

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DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,114

Applicant(s)

FAIRMAN, BRUCE A.

Examiner

Kim Huynh

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 8/24/01 is not in compliance with 37 CFR 1.98(b) which requires each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date. Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-46 excluding claims 5, 8, 14, 16, 21, 24, 29, 32, 36, 39, 43 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Lai et al. (US 6,516,371).

Lai discloses an apparatus for buffering data in a FIFO wherein the apparatus having an input interface circuit (PCI BUI 16), a data memory (SRAM 18), program memory (offset register 72) and execution unit (MMU 52).

Claim 1, the apparatus of Lai necessitates the method of buffering data within a FIFO buffer (single chip interface device) as claimed wherein a stream of data is received and stored in a memory SRAM 18 (Fig. 1, col. 1, ll. 23-29), and a series of program instructions is obtained to operate on the stored data and to generate an output accordingly via the bus interface unit PCI BUI 16 (see col. 1, l. 49 through col. 2, l. 16).

Claims 2-3, the program instructions are obtained from an application or control circuit (CPU or DMA, col. 7, l. 11 through col. 8, l. 27).

Claim 4, the stream of data is received from a bus structure (PCI 16 and MAC 20, Fig. 1 and col. 2, ll. 38-46 and col. 4, ll. 8-22).

Claims 6-7, the output stream of data is transmitting from a buffer interface (PCI BUI 16) and including synchronizing the output stream to a time reference (col. 4, ll. 58-68 and col. 5, ll. 1-8).

As for claims 9-46 excluding 14, 16, 21, 24, 29, 32, 36, 39, 43 and 46 are variations of claims 1-4 and 6-7 and are rejected accordingly. Claims 14, 16, 21, 24, 29, 32, 36, 39, 43 and 46 recite the bus structure as IEEE 1394 and are rejected according to the rejection of claims 5 and 8 discussed below.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 8, 14, 16, 21, 24, 29, 32, 36, 39, 43 and 46 are rejected under 35 U.S.C. 103(a) as being obvious over Lai.

Claim 5, Lai discloses the bus structure to be an Ethernet network (IEEE 802.3). Lai also indicates that it is apparent that his invention is applicable to other network interface (col. 2, ll. 38-46); therefore it would have been obvious to one having ordinary skill in the art to utilize Lai's buffering technique with other interface devices as suggested by Lai to take advantage of the flexibility in manipulating data and reduce latency in processing incoming data (col. 1, ll. 48-55).

Claim 8, since the invention of Lai synchronizes the output stream based on the time reference of the bus interface (IEEE 802.3, col. 5, ll. 1-8) and therefore it is inherent that his invention would synchronize according to the applicable network interface used in the system.

Claims 14, 16, 21, 24, 29, 32, 36, 39, 43 and 46 repeat the limitations of claims 5 and 8 and therefore are rejected accordingly.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller (US 4,750,149), Elnashar et al. (US 5,499,344), Earnest

(US 6,226,338), Lia et al. (US 6,145,016), and Dalton et al. (US 5,515,329) disclose various buffering techniques for manipulating in the FIFO memory prior to outputting.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703) 308-1678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to be 'Kim Huynh', with a long horizontal stroke extending to the right.

Kim Huynh
Primary Examiner
Art Unit 2182

KH
June 17, 2003